



IN THE MATTER OF:

Complainant,

**WASTE MANAGEMENT OF ILLINOIS
INC., d/b/a WASTE MANAGEMENT
OF SPRINGFIELD**

Respondent.

✓
✓
✓
✓
✓
✓
✓
✓
✓
✓
✓
✓
✓
✓
✓

CHARGE NO: 2001SF0174
EEOC NO: 21BA03345
ALS NO: S-11589

This matter comes to me on a motion by Respondent, Waste Management of Illinois Inc., d/b/a/ Waste Management of Springfield, to dismiss this case on grounds of *res judicata*. Complainant has filed a response, and Respondent has filed a reply. Accordingly, this matter is ripe for a decision.

Based on the record in this matter, I make the following findings of fact:

1. On September 22, 2000, Complainant filed a Charge of Discrimination on his own behalf alleging that he was the victim of racial harassment and retaliation in the workplace.
2. On July 27, 2001, the Department of Human Rights filed a Complaint with the Commission alleging that Respondent subjected Complainant to racial harassment in the workplace, and that Respondent terminated Complainant from his job in retaliation for complaining about racial harassment in the workplace.

3. On October 19, 2001, Complainant filed a motion seeking a stay of the instant proceedings pending resolution of a federal Title VII claim based on the same allegations of discrimination that Complainant asserted in the instant Complaint.

4. On November 5, 2001, Complainant's motion to stay proceedings was granted.

5. On January 10, 2003, the federal district court granted Respondent's motion for summary judgment in Complainant's Title VII action.

6. On March 24, 2004, the federal Seventh Circuit Court of Appeals affirmed the federal district court's order granting Respondent's motion for summary judgment in Complainant's Title VII action.

7. On July 12, 2004, Respondent filed a status report with the Commission, indicating that Complainant had not requested review of the opinion of the Seventh Circuit Court of Appeals via a petition for writ of certiorari within the relevant 90-day time frame for doing so. The status report also requested that the case be dismissed due to the outcome of the federal court proceeding.

8. On July 15, 2004, an order was entered which directed that Complainant file a response to the claim made in Respondent's status report that Complainant's Human Rights Act claim should be dismissed on grounds of *res judicata*.

9. On August 16, 2004, Complainant filed a response indicating that her claim before the Human Rights Commission "appear[ed] to be barred by the doctrine of *res judicata*."

Conclusions of Law

1. Complainant is an "employee" as that term is defined under the Human Rights Act.

2. Respondent is an "employer" as that term is defined under the Human Rights Act and was subject to the provisions of the Human Rights Act.

3. Under the doctrine of *res judicata*, a final judgment on the merits in a prior lawsuit is conclusive as to the rights of the parties in a subsequent lawsuit and constitutes an absolute bar to the subsequent action where the subsequent action concerns the same claim, demand or cause of action.

Discussion

Under the doctrine of *res judicata*, a final judgment on the merits in a prior lawsuit is conclusive as to the rights of the parties and constitutes an absolute bar to a subsequent action involving the same claim, demand or cause of action. (See, for example, **Rein v. David A. Noyes & Co.**, 172 Ill.2d 325, 665 N.E.2d 1199, 216 Ill.Dec. 542 (1996).) The policy behind such a doctrine is the well-worn notion that litigation should have an end, and that no person should necessarily be harassed with a multiplicity of lawsuits. (**Rein**, 665 N.E.2d at 1205, 216 Ill.Dec. at 648.) In order for the doctrine of *res judicata* to apply, a party must establish the existence of: (1) a final judgment “on the merits” rendered by a court of competent jurisdiction; (2) an identity of causes of action; and (3) an identity of parties or their privies.

Here, Respondent appears to have satisfied all three elements for implementation of the doctrine of *res judicata*. According to the status reports, a “final” judgment on the merits has been rendered in Complainant’s federal Title VII action against Respondent. Moreover, Complainant mentioned in her motion to stay these proceedings pending disposition of the federal court matter that the federal matter concerned the same subject matter and parties at issue in the instant Complaint. Indeed, Complainant’s counsel has conceded that the doctrine appears to bar further prosecution of the instant case. Thus, under these circumstances, I find that dismissal of the instant Complaint is appropriate.

Recommendation

For all of the above reasons, it is recommended that the instant Complaint and the underlying Charge of Discrimination of Travis Williams be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
MICHAEL R. ROBINSON
Administrative Law Judge
Administrative Law Section

ENTERED THE 26TH DAY OF AUGUST, 2004